

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24, 7:00 p.m., 2002

(YEAR)

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by President of Council Jon Snyder.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. The following members of council responded to roll call: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder. Also present were: Mayor Rice, Director of Administration Held, Director of Law Batista, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.
5. Consideration

Consideration of Minutes of Council Meeting: 6/10/02
 Consideration of Financial Statement: May, 2002
 Consideration of Mayor's Court Receipts: May, 2002

Mr. McLaughlin moved and Mrs. Kiesling seconded to approve the minutes of the council meeting, financial statement and mayor's court receipts as presented. All members present voting:

Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.

No: 0

6. Committee Reports

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held June 17, 2002.

Executive Sessions - Finance & Property Committee (Imminent Litigation and Sale of Property): Refer to the minutes on file in the Council Office of the Executive Session meetings held June 10, 2002.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 17, 2002.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held June 10, 2002.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held June 17, 2002.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meetings held June 10, 2002 and June 17, 2002.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meetings held June 10, 2002 and June 17, 2002.

Mr. McLaughlin moved and Mr. Osborne seconded to approve the committee report and executive session minutes as presented. All members present voting:

Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.

No: 0

7. Recognition of Visitors

Mr. Snyder: At this time is there anyone in the audience wishing to speak to the Council?

Pamela Feagler: Yes.

Lola Lewis: Yes.

Mr. Snyder: Please step forward, state your name and address for the record.

Ms. Feagler: My name is Pamela Feagler. My address is 4904 Ridge Avenue SE, Canton 44707.

Ms. Lewis: Good evening, my name is Lola Lewis. My address is 2502 Risner Avenue, New Philadelphia, Ohio 44663.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24, 2002 (YEAR)

Ms. Feagler: Okay. Thank you.
 Mr. Foltz: Thanks, I'll pass them down.
 Ms. Feagler: Pass this one please.
 Mrs. Kiesling: Your's is coming your way. I think we're sharing.
 Mrs. Magel: Oh, okay. Wait, here comes...
 Mr. Snyder: You got one down there?
 Mrs. Kiesling: No...we'll share, we'll make copies later.

Ms. Lewis: Alright. Again, my name is Lola Lewis. I'm the Regional Urban Forester ODNR Division of Forestry and in partnership with...

Ms. Feagler: Pamela Feagler, I'm the Executive Director of the American Free Tree Program and we're here to present a North Canton Urban Forestry Community Awareness Initiative.

Ms. Lewis: Inaudible...this was kicked off with a planting at Dogwood Park - an Urban Forestry kickoff event.

Ms. Feagler: We are continuing that kickoff event with a program that we call the North Canton Urban Forestry Community Awareness Initiative. This is a series of workshops for friends of the Urban and Community Forest.

Ms. Lewis: The goals of the workshop are to teach people about urban forestry, create an interest in environment issues, create a group of citizens who can serve on municipal tree commissions and finally to have citizen support for future urban forestry programs or projects rather.

Ms. Feagler: The formal of the workshops are going to be a public meeting held on the second Wednesday of the month beginning in July and ending in December, it will be held at the Dogwood Park shelter and our guest speakers will present a variety of environmental topics. The participants will receive handouts to be placed in a binder for their own reference.

Ms. Lewis: One of the things we want to do with this is build urban and community forestry. And by doing that we'll create partnerships between the state, city, committee and other supporting agencies, while utilizing resources from the community that will help manage and enhance the natural environment within the city. Finally, support from the citizen - the city and the citizens for programs now and in the future.

Ms. Feagler: Our workshop topics could include such things as a brief overview of Urban and Community Forestry. This is programs in communities across the United States and even in other nations - it is worldwide.

Ms. Lewis: Another one would be city trees and their benefits. What does trees do for our community? They provide an economic value, heating and cooling, pollution control and they also provide sound and wind barriers. An overall effect is the beautification that it brings to your communities having a good urban tree program. And these are some of the benefits of trees.

Ms. Feagler: Here's an example of a building in Canton with a big expanse of asphalt. And that asphalt generates a lot of - it absorbs heat and generates a lot of heat into the community. Right next door they've taken that expanse of asphalt they've cut it out and they've put in green islands so to speak. They've put in a lot of trees, plantings, shrubbery. This is a new business that's opened up right next door to that other parking lot so the before and after shows the asphalt they took away and how you can create a greening affect when you have areas that aren't being used for parking anymore this is a good use of that parking area. Here's another example - here's another example of a - the parking lot with the trees in it is a work place where they have had trees put in over this entire parking lot and people can park under here - it creates a nice beautiful area, it keeps your cars cool. These trees are fairly mature and the parking lot is fairly expansive and the whole entire parking lot looks like this and it is quite beautiful. This is an example of how our urban hard scapes can be blended with an urban forestry program to create a better environment for its citizens and for the overall heat affect in the environment - the environmental affects in the city.

Ms. Lewis: Another topic could be hazardous - hazardous trees. And here what we're going to do is bring to the citizens an idea of how to identify the trees, look at some of the health and safety factors surrounding trees and talk about removal versus pruning.

Ms. Feagler: Here's a prime example of a tree that is in decline, it's entangled up in power lines actually in the top. On the left side you see there's a branch that's entirely dead - half the tree's alive, half's dead and that branch is in danger of falling right onto a main thoroughfare. These are all over the cities in Stark County and this is a hazard tree we identify to people that would need to be - have imminent removal. Okay, this - this is a silver maple that actually fell down over this past weekend. It was entirely rotten at the base - nobody knew it or they ignored it. It fell down when there was no storms and into the street and the city workers were having to clean it up. But it's - it was entirely eaten away by bacteria and insects and it was imminent fall hazard and luckily there was no car parked there.

Ms. Lewis: And this is something common to silver maples.

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24, 2002 (YEAR)

Ms. Feagler: Yes.

Ms. Lewis: As they get older they rapidly decline. They're fast growing initially when you put them in, but because of urban infrastructure encroaching on them it causes a rapid design - rapid decline in them. So this is one tree we definitely wouldn't recommend planting back into your city. Okay.

Ms. Feagler: Another example of a topic would be tree maintenance. Prunings - there's proper ways, do's and don't's; mulching do's and don't's; tree topping is the least not acceptable form of tree maintenance. We try to convey this to the community that there are techniques for preventative maintenance and that's what we're hoping to convey to everyone is the wrong and the right. Here's an example of what we like to call a volcano mulch. This mulch is actually brick hard, you peel the crust off, it's moldy underneath no water can penetrate and it's growing mold and bacteria and that's up against the tree trunk that actually enhances and promotes bacterial growth. And this young tree probably already stressed you know, chances of survival are decreased. This is one of the things we would teach people...

Ms. Lewis: The wrong...

Ms. Feagler: the wrong way to do it.

Ms. Lewis: Here's a biggie for all of us, this is an example of topping trees. And as you see here these trees were topped and as a result of that there's nothing really left. You know when you top a tree it causes a rapid decline because you've eliminated a process for it to generate and regrow, which is something called photosynthesis. And not only that they're very unsightly to look at. And if you're going to do this method, the best thing to do is just take them down in consideration of what you're looking at. Okay. Avoiding trees and utility conflicts. What we'll do is provide information concerning types of trees to plant near utility lines both above and below ground that really work well in those type of sites.

Ms. Feagler: Here's an example of a - again a silver maple planted in the wrong spot and tangled in the utility lines. It's also been topped repeatedly to prevent it's being in the lines. This tree's actually a block from my office and it is decaying and declined. And the way the branches are hanging they're in danger of falling over either in on a house or in a street. And in fact right across the street two silver maples blew down in the storm in - over the winter this past winter. And they were in the same shape as this one. This is what we like to convey to people is the dangers of trees in the wrong place, the wrong type of maintenance and just...

Ms. Lewis: No maintenance.

Ms. Feagler: or no maintenance, yes. This is the exact same tree at the bottom - that is the roots. Of course it's planted in the tree lawn, which North Canton does not allow thankfully. But this is what happens when a tree is planted there, it's awful. Okay, end finally.

Ms. Lewis: Cause we had to get there quicker.

Ms. Feagler: Okay.

Ms. Lewis: What we wanted to do was reinforce the partnerships that could be developed through a series of public urban forestry awareness workshops. Also, in conclusion, to enhance the quality of life for all the citizens of North Canton and surrounding communities. And what we'd like to end with is a shot of a beautifully tree lined city - a street city - a street tree city. Thank you.

Mrs. Kiesling: Thank you.

Ms. Feagler: Is there any questions or comments?

Mrs. Kiesling: No, we're going to talk about it on my committee next week. They're going to use the Dogwood Shelter and we're going to talk about waiving the fees for the workshops.

Mr. Foltz: For the shelter.

Mrs. Kiesling: Yea.

Mr. Foltz: Going to have hopefully some community people attend it, be well informed and...

Mrs. Kiesling: Exactly.

Mr. Foltz: Very good.

Mrs. Kiesling: And they're going to set up the speakers every - once a month. And they'll do the advertising and hopefully we'll get a lot of people out there.

Mr. Foltz: Great. It's all about education. Thank you ladies for coming up Lola, Pam.

Ms. Feagler: Thanks for having us.

Mr. Foltz: You guys did a great job in the community. Just worked with Pam on a - with a project at Glenoak High School. And Lola has been involved for many years you know, Mount Union..inaudible...a nice seminar there. So thank you for spending the time with us tonight.

Mrs. Kiesling: Thanks a lot.

Ms. Lewis: We'll come back in for this after you're through.

Mr. Snyder: That will be fine. Thank you girls, I appreciate it very much. Anyone else in the audience wishing to speak? Dick, you want to speak? Okay.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Monday, June 24,

2002

Held

20

Dick: No, you've heard enough from me.

Mr. Snyder: By osmosis, I heard it through the Mayor and from you talking to him and I... Alright, thank you.

Dick: You know how I feel and keep it to yourself.

Mr. Snyder: Alright - alright...

OLD BUSINESS: None

NEW BUSINESS:

Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 67-02?

8. Mr. McLaughlin moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 67-02. All members present voting:

Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.

No: 0

Ordinance No. 67-02 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the resurfacing, repaving, replacement, repair and preventative maintenance of certain streets and alleys within the corporate limits of the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: As Roy noted the actual legislation has an emergency clause in it. However, it did not get typed into the packets.

Mrs. Kiesling: But it's in the actual legislation.

Mr. Snyder: It's in the actual legislation and...inaudible...for that. Chairman Magel.

Mrs. Magel: Yes, I would like to emphasize the meaning of this. Our vote will be on an emergency basis. So it will take six votes to carry. So in other words just add to this declaring the same to be an emergency on your agenda. Okay, now we discussed this if you read the minutes fully. And what we're doing here is we have a pavement program of \$250,000. coming out of the account no. 5629 - contract payments. And that's what we'd be voting on tonight, on an emergency basis. Any questions?

Mr. Snyder: I would only like to...inaudible...my feelings. I did have a tour of the Ward 4 with the Mayor on Friday and we discuss and came to an agreement on the streets in Ward 4. And so consequently I will support this legislation moving forward on an emergency basis.

Mr. McLaughlin: And I also - may I interject? I also had a tour with the Mayor. It was very - it was very - a very good one. We had a very nice discussion. The only thing I didn't get was the tea and crumpets. But no, we did have a - we did have a good time. I mean Tom - we went around - we hit about every street in Ward 3. And pointed out some things that Tom didn't see and then Tom pointed a couple things out that I didn't know. So it was very informative - I was very happy. Again, thank you for your time.

Mrs. Magel: That's what I was alluding to two weeks ago, I knew the administration would work with the four ward members. And hopefully we'll have a different outcome tonight. Anything else?

Mr. Osborne: Is there a rough list of streets that we're considering?

Mrs. Magel: Who you asking?

Mayor Rice: I don't know how to answer that.

Mr. Osborne: I mean what consensus did each ward councilman come to for each of those wards?

Mr. Snyder: Well it was my understanding - there's probably what 40 streets totally on that list and they were to be as equally divided as they possibly - the worst to be addressed in each ward. That was my understanding. I don't...

Mr. McLaughlin: I - I...

Mr. Snyder: am I correct in that Mayor? Is that how I...

Mr. McLaughlin: I think he's going to try to do what he can. You have to realize 250 - when - the discussion I had with Tom and we both got into a nice discussion about this, \$250,000 is not a lot of money. So as you - on that list there there's a couple things in my ward we switched around or whatever. But we did come to an agreement like for example and on the Mississippi it's not on till 2004, but we can switch back and forth. And I think Tom made the point to me that hey Rick look if - you know we can always pave a street and always take off and put it back till later on 5 or 6 years down the way, if it's that bad we can some things and switch those things. One of the - I...things that Tom did point out to me and I really wasn't aware of it and I'm glad he did because I wasn't paying attention was next year our program is 4.6 million dollars of street improvements.

Monday, June 24,

2002

Held

20

Mrs. Magel: That's correct.

Mr. McLaughlin: We're not - let's be - let's you know let's be logical, we're not going to do that much. I mean with the water budgetary restraints and whatever some of that's going to come down. So that's why I say Tom said do some soul searching, go out and look what you can do and what we can put off a little longer and everything else. That's like I say we had a nice discussion. We both - I think when we went around we agreed on things. And I thought it was a very very good hour we spent together in trying to figure out how to put the streets in Ward 3 back into a better program than it was before. But I think that again he's got some - he's got the suggestions I had. We did take one street off. An alley we took off which we really didn't need I want to replace with something else that was heavily traveled and he agreed.

Mayor Rice: I think Summit Street.

Mr. McLaughlin: So I'm very happy with where we were going. Now to my point of view I don't know if I can get everything on that list that we talked about. I'm hoping that we can get at least a couple streets but I think to be fair Tom's going to try to look at every ward and do something in every ward. But again, \$250,000 is not that much to go around.

Mrs. Magel: Well perhaps council made some lemonade out of some lemons and we cleared the air and we got our 5 year plan - our eyes opened to the 5 year plan and exactly what's going on. And the idea is we have to have the full picture, which I had said I felt the Engineer knew the full picture. And I knew administration would work, they had given me their word - they would work with the ward members. So again 250,000 we'll just on an emergency basis for the administration to asphalt roads.

Mr. Osborne: Is there anymore thought to maybe some areas that are bad trying to grind down just certain parts of the street? Anymore thought given to that?

Mayor Rice: We're taking everything into consideration.

Mr. Osborne: You're taking everything into consideration?

Mayor Rice: That's correct. We can't do everything. We have limitations as to what we do. Whatever council appropriates funding wise we'll do as many streets as we possibly can.

Mr. McLaughlin: If we find some more money someplace in the budget as we talked about we can apply it. But right now there - there's nothing else in that budget I can see that...discussed.

Mrs. Magel: Well this ordinance is for \$250,000...

Mr. McLaughlin: Right.

Mrs. Magel: for paving asphalt program.

Mr. Osborne: Well I would think you could get around to more streets if you considered you know a couple areas. I'm thinking of McKinley, the northern end of McKinley here, you can scape off a little bit and patch a little bit in - along in there.

Mrs. Kiesling: But the Y might be doing something with that here real soon.

Mr. McLaughlin: Well, plus you've got McKinley on the 5 year plan. It's on for, if I remember right, next year. I didn't bring my list with me...

Mrs. Kiesling: It is.

Mr. McLaughlin: It's on for next year so...

Mr. Osborne: I understand that. That's why I'm not pushing for the complete repaving. Just, you know some areas that are really starting to be patched on top of patch. If most of the - if the council - or ward council members are happy I guess I would support it.

Mrs. Kiesling: I feel the same way.

Mr. Osborne: We're not continuing with the Ellesmere and Postiy and Lupe are we? Because I thought there was other streets were really in worse shape. I'm not trying to slight you Doug.

Mr. Foltz: I want to say what I said the last month. It's the administration's decision in my opinion to rate these streets. I have full confidence in Director Held and mayor Rice and Engineer Benekos and I'm glad that Jon and Rick went around with them. We're very progressive as far as what we do with curb and gutter, but I'd hate to see us waste money on any streets that we're doing to curb and gutter in the near future and I'm going to allow them to make that decision. And that's what they're paid to do, administrate and look at these streets - they have the experience to do it. So I can't tell if it's on the list or not. And I'm going to let them use their judgement. If it get paved you know I'm happy with that. I mean obviously it was on the list for a reason cause it's not going to be curbed and guttered, it's already done.

Mr. Osborne: Can you tell me those aren't on Jim?

Mr. Benekos: Which streets?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24, 2002 (YEAR)

Mr. Osborne: Postiy, Lupe and Ellesmere.
Mr. Lindower: It's Postiy.

Mr. Osborne: If you can assure me those three streets aren't on there on...

Mrs. Kiesling: Inaudible...Dave.

Mr. Osborne: I'll support anything else. But...

Mr. Benekos: That they're not on the repaving?
Mr. Osborne: Pardon - for repaving.

Mayor Rice: We can't guarantee that. It depends on what the bids come in at. We can't sit here and tell you it is or isn't going to be done. That's what...
Mr. Osborne: Well I talked with residents on all three of those streets, none of them are very concerned about paving. They mentioned other streets in the city that they'd like to see paved - Fair Oaks is one of them.

Mayor Rice: Again McKinley...

Mr. Foltz: Fair Oaks needs a lot of subbase work to be done. That's not even going to be on this list.

Mayor Rice: McKinley again is on for next year, if anybody looks at their 5 year plan, for sewer, water and pavement.

Mr. Osborne: Well I'm not talking about redoing the entire street, I'm just talking about some spots. And Fair Oaks is so bad you almost have to go in there and grind off the peaks.

Mayor Rice: So how much - how much do you want to waste on McKinley then that you're going to tear up again next year; 50, 20,000? How much do you want to waste on it?
Mr. Osborne: We're not wasting.
Mayor Rice: For one year to tear it up again next year. You guys...
Mr. Osborne: Just assure me that those three...
Mayor Rice: You guys tell me how much you want to waste on it.
Mr. Lindower: \$100.00.

Mr. Osborne: Okay. I'll support it if those three streets in the 1st Ward are not on there...

Mr. Lindower: A \$100 worth of cold patch...
Mr. Osborne: cause they do not need paving this year.
Mr. Lindower: A \$100. worth of cold patch will do it.

Mr. Osborne: If you can assure me that you got my vote. I'm sure there's some other streets in the 1st Ward that are in worse shape than those.

Mr. Foltz: Yea there is.
Mrs. Kiesling: But they're...
Mr. Foltz: Janet's one of them, it needs curbed and guttered. I think you're losing the emphasis - I don't even want to rehash this. I think we've been through it..

Mrs. Magel: Yes. Clearly there's a problem of an understanding of a 5 year plan.

Mr. Foltz: The council people are happy with it. This is all redundant to me Chuck, it really is.

Mr. Osborne: So go ahead. You don't need my vote.

Mr. Foltz: And you know if you want to make it a political football you can do that.

Mrs. Kiesling: Just call the vote.

Mr. Osborne: I'm not...
Mr. Foltz: If you want to go in my ward and have your little survey with my residents and that's your survey with my residents it's not mine, it's not the administration's you're - you know you're able to do that. But how it stacks up with the votes we'll see what happens here.

Mr. Osborne: You don't need my vote, go ahead.

Mrs. Magel: Mr. President, could we call for a vote please?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24, 2002
(YEAR)

Mr. Snyder: Please. Madam Clerk please call the roll.

Mrs. Magel: But did we have a motion?

Mrs. Bittle: We didn't have a motion, second.

Mr. Snyder: Oh, I beg your pardon. I'm getting a little ahead of my - have a motion to adopt the first reading of Ordinance 70-02? (Miss spoke - actually Ordinance No. 67-02)

Mr. McLaughlin: With the emergency clause?

Mr. Snyder: With the emergency clause.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 67-02. All members present voting:

Yes: McLaughlin, Snyder, Foltz, Kiesling, Lindower and Magel.

No: Osborne.

Mr. Snyder: May I have a motion to suspend the rules for Ordinance 70-02. (Ordinance No. 67-02)

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 67-02. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.

No: Osborne.

Mr. Snyder: May I have a motion to adopt under suspension of the rules Ordinance No. 70-02. (Ordinance No. 67-02)

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 67-02. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lindower...

Mrs. Magel: You said 70-02. Do you mean 67?

Mr. Snyder: 69-02...

Mrs. Magel: 67?

Mrs. Kiesling: 67.

Mr. Osborne: 67-02.

Mr. Snyder: 67 - 67-02.

Mrs. Kiesling: Is there a 70? Oh there is.

Mrs. Magel: Yes, if it's 67-02.

Mr. Snyder: 67-02.

Mrs. Magel: Yes.

Mr. Foltz: Roy, are we alright with this or are we going to be...

Mr. Batista: Yea, we're on 67-02 right.

Mr. Snyder: Yea, my mistake I read it.

Mr. Foltz: As long as you're okay with it Roy.

Mrs. Kiesling: He already read it so...

Mr. Batista: I think we all knew we were talking about 67.

Mr. Snyder: Yea, I was in the wrong...

Mr. Lindower: Inaudible woke him up...you woke him up.

Mr. McLaughlin: Yes.

Mr. Osborne: No.

Mrs. Magel: What else could go wrong?

Mr. Snyder: Well I was thinking when Wilkshire gets repaved on that side. I was in 2008, I beg your pardon.

9. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 68-02. All members present voting:

Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.

No: 0

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24, 2002 (YEAR)

Ordinance No. 68-02 - First Reading

Ordinance No. 68-02 amending Section 2. of Ordinance No. 54-02 by an increase of five thousand (\$5,000.00) dollars to the amount appropriated for the Applegrove Waterline Connector project; and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: Project we started came in a little high so we had to add a few dollars to it and this should get (excuse me) get the project going.

Mrs. Magel: Just for the record the entire project now is 80,000.

Mr. McLaughlin: Right, it's \$5,000. more. Was 75 originally and we moved it up to 80,000; coming out of budget 7251.

Mrs. Magel: Right.

Mr. Snyder: Now you have to rebid that...inaudible...

Mr. Benekos: Yes.

Mr. Snyder: Okay...

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 68-02.

All members present voting:

Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 68-02. All members present voting:

Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 68-02. All members present voting:

Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.

No: 0

10. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 69-02. All members present voting:

Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.

No: 0

Ordinance No. 69-02 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to seek quotes on a three year copy service contract and the Mayor to enter into a three year copy service contract for general government use in North Canton City Hall and declaring the same to be an emergency.

Mr. Snyder: This is to run the copiers that we have here in city hall. And I believe that comes up in August did you say the contract?

Mrs. Kiesling: End of July.

Mr. Snyder: End of July, the contract for the copiers is..

Mrs. Kiesling: Is up.

Mr. Snyder: be renewed at the end of July?

Mrs. Herr: Yes.

Mr. Snyder: Any questions on that?

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 69-02.

All members present voting:

Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 69-02. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.

No: 0

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24, , 2002
(YEAR)

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 69-02. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

11. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading of** Ordinance No. 70-02. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Ordinance No. 70-02 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to accept a 10.100 acre tract of land, more or less, on the south side of Applegrove St. N.W. from the North Canton Rotary.

Mr. Snyder: We're going to do this in three readings as the...a deed is not quite prepared yet as I understand. And it does, as I said last week, only contain one...inaudible...it will always remain green space. And the city - Doug and the Mayor have some ideas and...inaudible...park as we get it. To protect those residents up there as well as the Girl Scouts that share on the other seven acres or three and a half or whatever it is. If there are no other comments may I have motion to adopt the first...

Mr. McLaughlin: One - one quick question.

Mr. Snyder: Excuse me.

Mr. McLaughlin: I'm sorry Mr. President. Since it is three readings and the next one will be before our summer break will it be alright at for this to be completed back at the end of August? Is there a time element on this at all? I'm just asking the question. Cause our next meeting will be...

Mrs. Magel: July 8th.

Mr. McLaughlin: July 8th and then we're done till...

Mr. Snyder: 1st and 8th.

Mr. Batista: I think if the deed is ready for the next council meeting let's adopt it. If it's not, let's carry it over till August.

Mr. Magel: Okay.

Mr. Batista: I want to see the...

Mr. McLaughlin: I was just kind of curious I know we're running out of time now, we're getting to the summer sessions.

Mr. Snyder: Yea.

Mr. McLaughlin: And I just was kind of curious if there's any time element or restrictions.

Mr. Snyder: Well originally it was the hope of the president who goes out of office this Thursday to have it transferred prior to his departure.

Mr. McLaughlin: Okay.

Mr. Snyder: And just simply for as - you know how those service clubs are you get kudos and so forth from the governors of the district. And a - but I don't think we'll make that so from that standpoint it won't be a problem.

Mr. McLaughlin: Okay.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading of** Ordinance No. 70-02. All members present voting:

Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.

No: 0

REPORTS:

Mr. Snyder: Director of Law any report?

Mr. Batista: No report.

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Held: No report.

Mr. Snyder: Mr. Mayor.

Mayor Rice: Two quick things. The - FYI the skate park opened tonight at 5:30. So it is completed. It's opened and had quite a nice group of kids standing there waiting for the gate to open. It looks very nice. If you get a chance go down take a look at it.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24,

2002

(YEAR)

Mr. Snyder: Skate park.

Mayor Rice: The kids are enjoying that and there's an awful lot of parents there with their kids tonight too enjoying the new skate park. Second item - the annual water report that's required by law to go to all water customers I think was supposed to be mailed today. Right David?

Mr. Held: Yes sir.

Mayor Rice: I think that that went out today to residents. They'll be receiving them here in the next couple days. Just an FYI because I'm sure somebody's going to ask because last year we spent almost 12,000 on that water report, total cost looks like it's going to be approximately \$3,500 for the report this year. We did - Rich did an excellent job of putting a lot of the stuff together and helping and we developed it all in house and used a local printer to print it and mail it. So - but it's out so you all should be getting them. We didn't get the extras we had - we've got some extras coming that will be available here at City Hall and the Water Treatment Plant where they have to be made available to the public. We haven't gotten the extras back - the leftovers as soon as we do we'll be distributing one each to member of council, but you'll probably be getting them at home too. But they are out and you'll be seeing those shortly. That's all.

Mr. Snyder: Thank you. Mr. Engineer.

Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: Two things. I'd like to commend the Mayor for saving the city tax payers \$9,000 versus the previous mayor and still providing the vital information that our constituents deserve with the water system. And in follow up with Mayor Rice, I wanted to thank most of council here, the rec committee, Kim Cooksey, Brian Hill and his staff and everyone that was involved with the skateboard facility - it turned out wonderfully. There is an inline hockey area also. And as Mayor Rice mentioned, it was a great turnout and it's just a nice venture for our youth here in the city to be able to go somewhere instead of going in front of City Hall and the Y, it's going to be nice for those business owners and government entities to say listen we have a place now set aside for you so go - so you're more than welcome to use it down there. So I think it's a nice additional to our city. So well - job well done.

Mr. Snyder: Member Lindower.

Mr. Lindower: Yea I'd like to say the same thing. I looked at the skate park, they've did an excellent job on that. There were a few young lads that didn't want to wait for opening day that decided to go over the fence, but that will work out okay. They did a nice job. Also Weber Avenue, since it's been completed looks real good. The contractor did a nice job of repairing the taps and so forth out there. I checked with several people living on that street - didn't have one complaint from anybody. They were happy with the way the contractor handled it and everything. So I'd just like to have that passed on. That's all I have.

Mr. Snyder: Member McLaughlin.

Mr. McLaughlin: I agree. I think Kim Cooksey does an excellent job with the park systems. And I think most of our - most of our, I shouldn't say all but most, but all of our Street Department everybody gives a round of applause for their diligent efforts and they have. Especially during the sink hole after last Monday night's council meeting and going down there and our city crews responded very quickly and came out. And I'm sure I haven't seen I just got back in town today, but I'm sure it's probably fixed by now or on the way to be fixed. And - but like I say our city crews are and our fire, police and EMS we're all proud of what they do.

Mr. Snyder: Member Kiesling.

Mr. Held: Inaudible...pizza?

Mr. McLaughlin: Next - this Friday or next Friday.

Mrs. Kiesling: No report.

Mr. Snyder: Member Magel.

Mrs. Magel: Yea I also have two things. Number one - I'd like to add something to what Doug said and that is to thank Doug Foltz also for his work in getting this park; I think it was years. And Doug, congratulations. I think it turned out to be very nice and I know you worked very hard.

Mr. Foltz: Thank you.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24, , 2002
(YEAR)

Mrs. Magel: And it is a good addition to the city. Second thing is - I'm sorry Jon, I caught you trying to get us out of here early. You went to 70-02 right for the end.

Mr. Snyder: Right to the bottom.

Mrs. Magel: Sorry about that.

Mr. Snyder: Inaudible...but I appreciate it, thank you. Member Osborne.

Mr. Osborne: Just one thing. There's a minor drainage issue on that - up there by the Girl Scouts on this property. Jim, are you familiar with that?

Mr. Benekos: Yes.

Mr. Osborne: I've been talking to Bruce about it - about a month ago. Will that be much of an issue to clear up?

Mr. Benekos: Just money.

Mr. Osborne: Well it looks like about 50 feet of I don't know 4 inch or 6 inch PVC pipe and grade the surface so there's no surface water accumulating there.

Mr. Benekos: Right. Also need a probably a catch basin of some sort at the junction.

Mr. Osborne: Okay.

Mr. Benekos: Where you're tearing the pipe. So it shouldn't be too expensive.

Mr. Osborne: What would you guess something like that? I don't have any idea what something like that costs. I know the PVC pipe wouldn't be much - expensive.

Mr. Benekos: Yea, \$10.00 a foot.

Mr. Osborne: I was going to go up there and put it in myself.

Mr. Benekos: Yea, it's pretty simple. The grading will take some time. I mean you know, maybe a half a day or a day.

Mr. Osborne: Cause look at the exist - when they filled it all back in there was water pooling there. So they didn't grade it right anyway when they filled it back in.

Mr. Benekos: Yea, the only question would be the outlet where it goes to.

Mr. Osborne: Well it's naturally been flowing into that sink hole anyway.

Mr. Benekos: Yea, we need to look at that with ODNR once the property becomes the city's and what we want to do with that.

Mr. Osborne: How soon do you think you can have that attended to?

Mr. Benekos: To have what?

Mr. Osborne: Have that drainage situation taken care of.

Mr. Held: Have to get the property first.

Mayor Rice: I think we've been - number one Chuck, we've been out there I've met with the home owners association months ago. In fact I talked to one of the ladies again today who's on the board there and they understand what we're doing and that we're working on resolving that problem.

Mr. Snyder: Yea, we would be prohibited to touch that prior to...

Mayor Rice: Yea you can't go in and mess with the property right now. Number one because it doesn't belong to us.

Mr. Snyder: Right.

Mr. Osborne: Yea that's why I didn't proceed with anything.

Mayor Rice: So that's part of the reason why we haven't taken more significant action and I...

Mr. Osborne: Well I've been out there myself 3 or 4 times.

Mayor Rice: They understand that.

Mr. Osborne: In fact that's why it's draining properly now. I went next door to the contractor and had them open that ditch back up because they had filled it in and it plugged up that drain line. So that's why we - we're at where we're at now at least it's draining.

Mayor Rice: Well it's still not draining properly because there's still water in the - in that basin and it's a pit for mosquitoes right now...

Mr. Osborne: Well I...

Mayor Rice: and that's what - we're trying to get it resolved completely so it will dry out. But Jim...

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24, 2002
(YEAR)

Mr. Osborne: Well it's about 10 years old it probably just needs routine maintenance doesn't it Jim? Just get in there and...

Mr. Benekos: Well right now you need to probably regrade the base and do some - put some under drains in. We'll need to shoot some elevation. I mean to solve the drainage concerns at the - at the condos, it's going to take a little bit more extensive work. A little bit up front work to see - to check the elevations there and in the back. You may need to relay the pipe coming out of that retention basin before we do anything up above. So we do need to do a little bit of survey and analysis.

Mr. Osborne: Well it seemed to work fine up until they filled that in and...

Mr. Benekos: Yea.

Mr. Osborne: But that pond...probably needs some basic maintenance cleaning. It's about 10, 12 years old.

Mr. Benekos: Yea.

Mayor Rice: Again we got to - got to keep in mind the basin is not on our property, it's on condo property, it's on private property. And the drainage tile and everything else in on the Rotary property - the Girl Scout property right now. And city's, I believe Roy would agree, we don't have any legal basis for spending money on private property.

Mr. Osborne: But it's coming into the city.

Mayor Rice: It's not in the city right now.

Mr. Osborne: Well that's understandable I mean we're going to be - 30 days.

Mayor Rice: So that's what I'm saying even when Rotary Park comes in that basin is not owned by the city.

Mr. Osborne: I understand that - I understand that.

Mayor Rice: It's owned by the condo development. So there's a problem there technically it's not the city's problem, but I have met in their homes with those people months ago, David has been down there, Jim has been down there. We're working with them and they understand it's going to be a cooperative agreement between the city and them to try to solve the problem.

Mr. Osborne: Very good.

Mayor Rice: They understand what's happening and we've been on top of that for a long time.

Mr. Snyder: Okay. A couple things. One I want to remind you, but I think it was already done once this evening, that we will only have two meetings July 1st and 8th then I'll give all a little recess till August 8th - 19th when we'll return. So that's something to look forward to. You'll have a six week vacation. Another thing, I attended this afternoon the post audit conference from the state auditors. And I would like you to know that under our present Director of Finance we had an exceptionally good rating. They were very complimentary to not only her but to her staff. And it's the way she does her work and then and the acceptance of her work is outside of the scope of normal governmental reporting. So you'll be please to know that we are well represented...inaudible...

Mr. Held: Way to go Julie.

Mr. Snyder: And I do appreciate that Julie. You did a nice job

Mr. McLaughlin: Nice job Julie.

Mrs. Magel: Congratulations.

Mr. McLaughlin: See, I put my trust always in you.

Mrs. Magel: What did he say?

Mr. Snyder: Marge was here to get the plaque incidentally. She was here about 4:30. She picked it up.

Mr. McLaughlin: Sure it wasn't Arthur Anderson that did the accounting on that?

Mrs. Herr: Going to build a new wall.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24, _____, 2002
(YEAR)

Mr. McLaughlin: Julie, was it Arthur Anderson that did the accounting on that? Just kidding - just kidding.

Mrs. Herr: Oh goodness.

FINAL CALL FOR NEW BUSINESS

Mr. Snyder: I have the final call for business. Anybody else wishing to speak to the Council? If not I'll entertain a motion to adjourn.

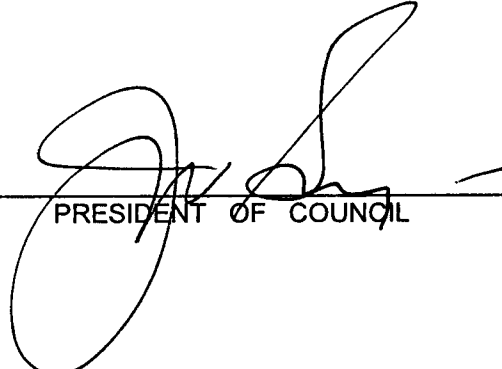
ADJOURN

Mr. McLaughlin moved and Mr. Osborne seconded to adjourn the council meeting. All members present voting:

Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.

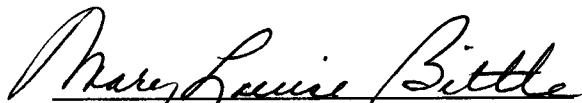
No: 0

The meeting ended at 7:50 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL